

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner's earned income was subjected to a \$90 disregard. The remainder, \$1,176.01, was compared to the maximum of \$1,044 per month for a one person household and the petitioner was determined to have excess income. Because he

had excess income with his earned wages alone, the Department did not attempt to calculate his self-employment income.

3. The petitioner does not dispute that he had the income listed above in October. He reported that he had \$1,343.54 in income in November. He expects that he can earn that much in the coming months. However, he argues that the Department should consider that he has made only \$6,418.30 for the entire year. He feels that his past income, not his future income should determine his eligibility for VHAP.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations for the State of Vermont provide as follows:

Countable income

Countable income is all earned and unearned income, as defined in this section, less all allowed deductions. Income in the month of application (or review) and future months is estimated based on income in the calendar month prior to the month of application (or review) unless changes have occurred or are expected to occur and this income does not accurately reflect ongoing income. If

changes are expected to occur, an estimate of income based on current information should be used.

. . .

W.A.M. 4001.81

The calendar month prior to the month of application for the petitioner was October of 2000. That is the month which must be used in order to estimate future income for the petitioner. The petitioner provided no information indicating that the income he earned in that month was not expected to continue in the future. In fact, he provided information showing that he earned even more in November. The fact that the petitioner had little income earlier in the year 2000 is not relevant to his current application under the regulations. As the Department correctly calculated the petitioner's income, including the \$90 deduction for employment expenses (W.A.M. 4001.81(e)), its decision must be upheld. Fair Hearing Rule 17, 3 VSA § 3091(d).

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